IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHT DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12009 of 2005

Between:

Syed Kaleemuddin, S/o. Syed Ibrahim,
R/o. 10-3-761/F-2, Vijayanagar Colony, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer, Regional Passport Officer, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue the writ or orders more particularly writ of mandamus declaring the action of the respondent not effecting the correction of date of birth in the passport by issuing fresh passport and insisting the petitioner to obtained court orders and not making the change of date of birth in passport arbitrary, illegal and inhuman and apart from the letter and spirit of constitution of India, and consequently direct the respondent to correct the date of birth as 24-3-1977 instead of 24-03-1970 in petitioners passport No. S-046346 by renewing the same and to issue fresh passport and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case and in the interest of the justice

Counsel for the Petitioner:MOHD.MUMTAZ PASHA

Counsel for the Respondent : MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

The Court made the following :

ORDER:

1. This writ petition has been filed by Syed Kaleemuddin assailing the action of the respondent in not receiving the application for correction of the date of birth in passport.

2. Heard the learned counsel for the petitioner and learned Standing Counsel for Central Government appearing for the respondent-passport authority.

3. It is the case of the petitioner that his actual date of birth is 24-03-1977, whereas his date of birth has been entered in the passport wrongly as 24-03-1970.

4. It is the grievance of the petitioner that the respondent-passport authority is not receiving his application for correction of the date of birth on the ground that it is not empowered to make such corrections.

5. It is required to be noticed that there is no provision under the Passports Act, 1967 which empower the Regional Passport Officer, to correct the entries in the passport. However, pursuant to the order of Bombay High Court in W.P.No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-04-2001, which are to the following effect:-

a. *Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.*

b. *Where a competent authority issuing a birth certificate or an educational board registering a date of*

birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. *Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e. school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e. Municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth".*

6. In that view of the matter, I deem it appropriate to direct the petitioner to make an application to Passport Authority-respondent and thereupon the respondent-Passport Authority shall consider the application of the writ petitioner for correction of the date of birth keeping in view the circular, dated 18-4-2001 issued by the Government of India.

7. With the above direction, the writ petition is disposed of. No order as to costs.

B.Seshasayana Reddy,J

8th July,2005.

Note:

C.C.in two days.

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Passport Officer, Regional Passport Officer, Secunderabad.

2. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

WRIT PETITION NO : 12009 of 2005

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

–

8th July, 2005.